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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ROY, BAISAKHI

ART UNIT

PAPER NUMBER

3737

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DELIVERY MODE

02/02/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/063,863	Applicant(s) ALURI ET AL.	
	Examiner BAISAKHI ROY	Art Unit 3737	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-22 and 24-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-22, 24-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 10/9/08 have been fully considered but they are not persuasive.

Flynn et al. clearly teach a system and method for configuring a plurality of medical devices. The system includes a communication network allowing user to configure a plurality of medical devices. An electronic configuration system is provided for configuring a medical device where the system includes a database having information about a plurality of medical device components each having a plurality of user-selectable options and a user interface that enables the user to input data to select one or more medical device components and input data to each component. Therefore Flynn et al. teach a medical diagnostic system with a dynamic configuration system for the plurality of medical diagnostic components, where data is distributed to the plurality of medical diagnostic components and a data extractor for extracting the component-specific configuration data from the distributed multi-component configuration data at each of the plurality of medical diagnostic components.

With respect to specific components of the diagnostic system network, Flynn et al. disclose corresponding elements that are equivalent to the individual components in the claims. Figure 4 illustrates the dynamic configuration system of generating a shunt from the individual medical device component comprising a valve assembly, a ventricular catheter, and a distal catheter. The system allows selecting components or extracting components from the database or communication network. As shown by

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Flynn et al. the configuration of the valve assembly includes following different configuration options such as valve type, angular measurements, pressure and other settings which are extracted to configure the multi-component device [0035]. Therefore, as claimed Flynn et al. teach the use of multiple medical device components such as the components needed for the valve assembly including the ventricular catheter and the distal catheter. Flynn et al. also include data distributor, extractor, and processor to distribute, extract, and process relevant configuration data, as outlined in the steps needed to configure the valve assembly or other multi-component medical device.

The medical device database 14 contains information about the medical device components 14a and information about configuration options 14b available for each component 14a and the component-specific configuration data is extractable and processable at each component receiving a broadcast of the configuration file [0025]. Therefore the medical device database or the configuration file includes configuration rules 14c controlling the interdependencies of the components and options available for each component with respect to any changes made in a particular component of the system. As taught by Flynn et al., user has the option to modify the components and any new changes affecting the system are updated and saved as a new configuration 40 [0030-0033].

Flynn et al. is directed to a system and method for configuring components of a distributed medical diagnostic system by selecting components from the database and reconfiguring based on application changes with the configurator. The interdependency of the individual medical components and the use of the configurator by the user make it

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obvious to one of ordinary skill in the art that the information or files are broadcast to each component to update each component. It is true that the reference does not use the same terms for the dynamic configuration system as the claims but the claims are given the broadest reasonable interpretation consistent with the specification.

Therefore the prior art of record with the disclosed dynamic configuration system with its' equivalent structures and function is considered to be obvious with respect to the claims of this application. Previous rejection is therefore maintained and repeated below.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 7-9, and 11-31, and 33-44, and 46-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. (20030191509). Flynn et al. disclose a system and method for configuring a medical device by generating a medical device database having information about a plurality of medical device components, therefore a dynamic configuration system and a configuration option available for each component therefore a component-specific data distributor and extractor [0023]. The system allows user to input data to select device components, processing the extractable component-specific configuration data extracted at each component, and configuring an electronic representation of a custom medical device based on the user-

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selected components and options. The system may also include a database of images corresponding to each medical device component [0012]. Flynn et al. teach said medical device database to contain information about medical device components and information about configuration options for each component, where the database includes a set of configuration rules determining the interdependencies of the components and options available for each component [0025].

3. Claims 2-6, 32, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flynn et al. in view of Schmitt. Flynn et al. teach obtaining medical image data but do not explicitly teach the use of the specific modalities. In the same field of endeavor Schmitt discloses a medical diagnostic system, method, and computer program with means for reading a component-specific code allocated to each individual device component to extract, distribute, and broadcast the component specific data and controlled by the control arrangement (abstract, col. 1 lines 45-60). The system includes a dynamic configuration for the plurality of medical diagnostic components with means for reading a mechanical, electrical, electro-optical, acoustical, and a magnetic code (fig. 2-6). The medical diagnostic imaging components such as x-ray, MRI, or ultrasound components and therefore the dynamic configuration system is operable within a plurality of medical modalities for cross-modality deployment (col. 3 lines 6-14). It would have therefore been obvious to one of ordinary skill in the art to use the teaching by Schmitt to modify the teaching by Flynn et al. for the purpose of configuring a plurality of medical diagnostic components comprising imaging components.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BAISAKHI ROY whose telephone number is (571)272-7139. The examiner can normally be reached on M-F (7:30 a.m. - 4p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on 571-272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRIAN CASLER/
Supervisory Patent Examiner, Art
Unit 3737

BR
/B. R./
Examiner, Art Unit 3737